

NEW YORK
LONDON
SINGAPORE
PHILADELPHIA
CHICAGO
WASHINGTON, DC
SAN FRANCISCO
SILICON VALLEY
SAN DIEGO
LOS ANGELES
BOSTON
HOUSTON
DALLAS
FORT WORTH
AUSTIN

DuaneMorris®

FIRM and AFFILIATE OFFICES

NELSON STEWART
DIRECT DIAL: +1 212 404 8767
PERSONAL FAX: +1 212 253 4037
E-MAIL: NMStewart@duanemorris.com

www.duanemorris.com

HANOI
HO CHI MINH CITY
SHANGHAI
ATLANTA
BALTIMORE
WILMINGTON
MIAMI
BOCA RATON
PITTSBURGH
NORTH JERSEY
LAS VEGAS
SOUTH JERSEY
LAKE TAHOE
MYANMAR

ALLIANCES IN MEXICO

October 31, 2024

BY ECF:

The Clerk of the Court
United States District Court
for the Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722
Courtroom 820

Re: Sacco & Fillas LLP v. TD Bank, N.A., Case No. 1:24-cv-07398-RML

To the Clerk of the Court:

This firm represents defendant TD Bank, N.A. (“**TD Bank**”) in the above referenced matter, which has been assigned to Magistrate Judge Robert M. Levy under the Court’s two-year pilot program set forth in Administrative Order No. 2023-23 (“**Administrative Order**”). The Parties have not consented to proceeding before Magistrate Judge Levy and we write, pursuant Paragraph 4 of the Administrative Order, to advise that TD Bank intends to file a motion seeking dismissal of Plaintiff’s Complaint under Federal Rule of Civil Procedure 12(b)(6). Accordingly, we respectfully request assignment of this case to a District Judge so that we may proceed with presenting the Motion to Dismiss. Thank you for your consideration.

Respectfully submitted,



Nelson Stewart

NMS

cc: Luigi Brandimarte, Esq. (counsel for Sacco & Fillas, LLP)
Morris J. Schlaf. Esq. (counsel for Sacco & Fillas, LLP)